

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11284 of 2001

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

DEEPAK JESANGBHAI KAPADIA

Versus

DIRECTOR OR HIS SUCCESSOR PETROFILLS CO.OP.LTD.

Appearance:

MR SUBRAMANIAM IYER for Petitioner No. 1
RULE SERVED for Respondent No. 1
MR KH BAXI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 05/07/2004

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties.

2. Learned counsel for the petitioner states that since the Approval Application made by the employer under section 33(2)(b) dated 18.4.1994 has been withdrawn, the

order of termination of service of the petitioner does not exist. He further submitted that the unit is already closed and therefore the question to be decided is with regard to the wages for the period from 18.4.1994 to 27.2.2001 i.e till the closure of the unit. However, this dispute cannot be decided in the present proceedings and the petitioner is required to approach the appropriate authority.

2. Accordingly the petitioner shall make an application before the Industrial Tribunal for recovery of wages as aforesaid within a period of three weeks from today and the Industrial Tribunal shall decide the same within four months from the date of receipt of the said application in accordance with law.

3. With the above observation the petition is disposed of. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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